

REMARKS

Claims 1, 4, 5, and 7 remain in the application and claims 1 and 4 have been amended hereby.

Reconsideration is respectfully requested of the rejection of claims 1, 4, and 5 under 35 USC 102(e) as being anticipated by Peterson '020, or in the alternative, under 35 USC 103(a) as being unpatentable over Peterson '020.

A feature of the accounting system according to the present invention is that a terminal device transmits accounting point information stored in a first memory of the terminal device to the accounting center, wherein the accounting center performs an accounting process based on the accounting point information transmitted from the terminal device.

It is respectfully submitted that Peterson '020 fails to show or suggest the transmission of the accounting point information from the terminal device to the accounting center.

Further, it is respectfully submitted that Peterson '020 fails to show or suggest the accounting center performing an accounting process based on the accounting point information transmitted from the terminal device.

The Office Action in paragraph 15d (Response to Arguments) concedes that "The examiner agrees with the statement that Peterson '020 does not directly disclose the transmission of the accounting point information from the terminal device to the accounting center." However, the Examiner finds this to be inherent in Peterson '020. Applicant respectfully disagrees.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted).

Peterson '020 in his first disclosed embodiment requires the user to contact the accounting center, e.g. by telephone, to set up an account at the center. See col. 7, lines 30-40 of Peterson '020, for example.

Further, Peterson '020 in his second disclosed embodiment requires the user to contact the accounting center to purchase

a smart card with an amount of prepaid funds. See Fig. 3 (86) and col. 9, lines 33-53 of Peterson '020, for example.

It is respectfully submitted that in neither embodiment disclosed by Peterson '020 do we see a suggestion or inherency of a transmission of accounting point information from a terminal device to an accounting center, wherein the accounting center performs an accounting process based on the accounting point information transmitted from the terminal device, as positively recited in amended independent claim 1.

Peterson '020 merely requires the user to contact the "accounting center" to purchase a smart card or to set up an account therewith.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claims depending therefrom, are patentably distinct over Peterson '020.

Reconsideration is respectfully requested of the rejection of claim 7 under 35 USC 103(a), as being unpatentable over Peterson '020 in view of Goldman.

Claim 7 depends from claim 1, which rejection over Peterson '020 has been addressed above and, because there are no features in Goldman that somehow could be combined with Peterson '020 and result in the presently claimed invention,

it is respectfully submitted that claim 7 is patentably distinct over Peterson '020 in view of Goldman.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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